**09-137**

**DEPARTMENT OF INLAND FISHERIES AND WILDLIFE**

**AGENDA OF PROPOSED REGULATIONS**

**OCTOBER 1, 2018 – SEPTEMBER 31, 2019**

**AGENCY UMBRELLA-UNIT NUMBER: 09-137**

**AGENCY NAME: DepartmenT OF INLAND FISHERIES AND WILDLIFE**

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**Emergency Rules**:As necessary**.**

**INTENT**:It is the intent of the Department of Inland Fisheries and Wildlife to adopt and amend reasonable regulations as necessary to ensure that all species of inland fish and wildlife are perpetuated to be used now and for the foreseeable future; and also to repeal regulations that are deemed no longer necessary for the protection, enhancement and continued use of these resources.

**STATUTORY AUTHORITY**: 12 M.R.S., Section 10104, subsection 1 states: “The Commissioner may, with the advice and consent of the Advisory Council and in conformity with the Administrative Procedures Act, Title 5, Part 18, and except as otherwise provided, adopt, amend and repeal reasonable regulations, including emergency regulations, necessary for the proper administration, implementation, enforcement and interpretation of any provision of the law that the commissioner is charged with the duty of administering. These rules duly adopted have the full force and effect of law and are effective upon filing with the Secretary of State, unless a later date is required by statute or specified in the rule.” The provisions of the law that the Commissioner is charged with the duty of administering are Part 13 of Title 12 M.R.S. Chapters 901 to 939.

**PURPOSE OF THE REGULATIONS**: The purpose of any proposed regulation regarding fish and wildlife is to provide for the fullest level of use of the resource without adversely affecting species distribution and abundance. In order to have an organized and systematic way of accomplishing this goal, Species Management Plans were developed, and updated at five-year intervals, for all major fish and wildlife species or species groups. All proposed regulation changes will be based on the adopted goals and objectives for a particular species or species group. Species management goals and objectives are developed with input from representatives of the public from various geographic areas of the state, biological staff and members of Warden Service, and are presented to the Commissioner and his Advisory Council for adoption. Regulations regarding recreational vehicle use are adopted to provide for the use, to the fullest extent possible, of such vehicles (watercraft, airmobiles, snowmobiles and all-terrain vehicles), without adversely affecting the resource and the safety and welfare of persons and property; and administrative regulations are promulgated for the purpose of setting forth reasonable criteria for the proper licensing, registering and tagging, and training requirements specified by law for the safety and welfare of the resource and citizens of the State.

**POTENTIALLY BENEFITED PARTIES:**

 General public - residents and non-residents

 The hunting, fishing, and trapping public

 Sporting camp operators and others offering meals and lodging

 Sportsmen’s organizations

 The boating and recreational vehicle owners and dealers

 Private property owners

 Commercial forest landowners

**EMERGENCY RULES ADOPTED SINCE LAST AGENDA:**

 No Emergency rules were adopted since the last agenda.

**EXPECTED 2018-2019 RULE-MAKING ACTIVITY:**

**chapter 1** -- OPEN WATER AND ICE Fishing Regulations

STATUTORY AUTHORITY: 12 M.R.S. Sections 10104, 12452

PURPOSE: To provide for season dates, daily bag and possession limits, size limits, etc. for open water and ice fishing.

ANTICIPATED SCHEDULE: Fishing regulations are promulgated and published on an annual basis January 1 – Dec. 31: Ice Fishing and Open Water: July (or as necessary).

**CHAPTER 1-A** – STATE HERITAGE FISH WATERS

STATUTORY AUTHORITY: 12 M.R.S. Sections 10104, 12461

PURPOSE: To maintain a list of waters identified as eastern brook trout waters and arctic charr waters that have never been stocked or not stocked for at least 25 years according to any reliable records, and provide special protections to those waters in an effort to preserve those fish species.

ANTICIPATED SCHEDULE: In conjunction with Chapter 1 Ice Fishing and Open Water Regulations: July (or as necessary).

**chapter 2** -- Rules Pertaining to Fishing Derbies and Tournaments

STATUTORY AUTHORITY: 12 M.R.S. Sections 10104, 12504, 12505

PURPOSE: Establish application procedures, restrictions, and requirements for fishing derbies and tournaments.

ANTICIPATED SCHEDULE: As necessary.

**Chapter 2** -- Rules Pertaining to Fishery Management and Fish Culture

STATUTORY AUTHORITY: 12 M.R.S. Sections 10104, 12751, 12754

PURPOSE: Designate waters for use in fish culture and scientific research; establish rules for the taking of alewives, eels, suckers and yellow perch and regulations pertaining to commercially grown or imported fish.

ANTICIPATED SCHEDULE: Throughout the year as necessary.

**CHAPTER 3** – PUBLIC INTERACTION AND CONFLICTS WITH WILDLIFE (FEEDING OF DEER)

STATUTORY AUTHORITY: 12 M.R.S. Section 10105, sub-§14

PURPOSE: To regulate the feeding of deer, bear, moose and wild turkey in order to minimize potential public safety hazards or detrimental effects on specific species as well as minimize the risk of chronic wasting disease.

ANTICIPATED SCHEDULE: As necessary.

**NOTE:** The Department is planning a complete repeal and replace of Chapter 4 rules. Chapter 4 will become Falconry rules (Currently 4.08) and new Chapters 16 – Hunting and 17 - Trapping will be adopted. The Department anticipates beginning the process in October of 2018.

**chapter 4** -- General Hunting/Trapping Regulations: As needed throughout the year.

**chapter 4.01** -- Furbearing animals AND UPLAND GAME (except beaver)

statutory authority: 12 M.R.S. Section 10104

PURPOSE:To establish season dates, limits, methods, etc. - March - July if necessary**.**

**chapter 4.01** -- Beaver Trapping

statutory authority: 12 M.R.S. Section 10104

PURPOSE: To establish season dates and open and closed areas - July.

**Chapter 4.02** -- Migratory Bird

STATUTORY AUTHORITY: 12 M.R.S. Sections 10104, 11855

PURPOSE: Regulations regarding migratory game birds are governed by the United States Federal Migratory Bird Treaty Act, Public Law, July 3, 1918, Chapter 128, as amended or by regulations promulgated by the Commissioner in conformity with the Maine Administrative Procedures Act, Title 5, Part 18, except section 8052, subsection 3 of that Act (waives the requirement of a 10-day comment period after hearing). The Commissioner may adopt regulations which are more restrictive, but not less restrictive, than those set forth in the Federal Guidelines.

ANTICIPATED SCHEDULE: Season date guidelines from USFWS; rulemaking to begin February.

**chapter 4.03** -- Deer Hunting

statutory authority: 12 M.R.S. Sections 10104, 11401, 10105

PURPOSE: To establish season dates and open and closed areasSeason dates; Antlerless deer protection zones, etc.

ANTICIPATED SCHEDULE: May or as necessary.

**chapter 4.04** -- Bear Hunting/Trapping Regulations

statutory authority: 12 M.R.S. Sections 10104, 11251, 12260

PURPOSE: To establish season dates, restrictions

ANTICIPATED SCHEDULE: As necessary

**chapter 4.05** -- moose hunting

statutory authority: 12 M.R.S. Sections 10104, 11552

PURPOSE: To establish season dates, areas, restrictions, permit numbers, etc. ANTICIPATED SCHEDULE: February

**chapter 4.06** -- Turkey Hunting

statutory authority: 12 M.R.S. Sections 10104, 11701

PURPOSE: To establish season dates, permit numbers, areas, restrictions, etc.

ANTICIPATED SCHEDULE: SPRING/FALL SEASONS: As necessary

**chapter 4.08** -- Falconry Regulations

statutory authority: 12 M.R.S. Sections 10104, 11159

PURPOSE: To establish license requirements, classifications, facility and equipment standards, taking restrictions, marking restrictions, etc.

ANTICIPATED SCHEDULE: As necessary

**CHAPTER 4.10** -- SNAPPING TURTLES

STATUTORY AUTHORITY: 12 M.R.S. Section 12159

PURPOSE: Establish fees; season dates and daily/possession/size limits; reporting requirements; harvest methods, confinement and disposal.

ANTICIPATED SCHEDULE: As necessary

**chapter 4.11** -- Registration and Tagging of Big Game and Furbearing Animals

statutory authority: 12 M.R.S. Sections 10104,12301

PURPOSE: Establishment and operation standards for big game registration agents and fur tagging agents.

ANTICIPATED SCHEDULE: As necessary

**chapter 4.12** -- Field Trials

STATUTORY AUTHORITY: 12 M.R.S. Sections 10104, 12054, 12055

PURPOSE: Establish notification requirements for conducting raccoon dog field trials, restrictions and penalties.

ANTICIPATED SCHEDULE: Throughout the year as necessary

**chapter 5** -- Regulations Pertaining to the Use of STATE OWNED Wildlife Management Areas

STATUTORY AUTHORITY: 12 M.R.S. Sections 10104, 12701

PURPOSE: Establish regulations regarding hunting, fishing, trapping or other public uses of any wildlife management area, sanctuary, or department owned or maintained sites provided public access to inland or coastal waters.

ANTICIPATED SCHEDULE:Throughout the year as necessary.

**CHAPTER 5.03** – SHOOTING RANGES

STATUTORY AUTHORITY: 12 MRS Section 10104, 12701

PURPOSE: Establishing rules for Department owned shooting ranges to set clear expectation of behavior for the public and provide a mechanism for law enforcement to deal with users that display disrespectful or potentially dangerous behavior at ranges.

ANTICIPATED SCHEDULE: As necessary

**chapter 6** -- Scientific Collection of Fish and/or Wildlife

STATUTORY AUTHORITY: 12 M.R.S. Sections 10104, 12704

PURPOSE: To establish an application process for permitting the collection of fish and or wildlife for scientific purposes as well as reporting requirements, restrictions, etc.

ANTICIPATED SCHEDULE: As necessary

**chapter 7** -- Rules Pertaining to Wild ANIMALS in Captivity

STATUTORY AUTHORITY: 12 M.R.S. Sections 10104, 12152.

PURPOSE: To ensure that all wildlife possessed under the following permits receive human treatment and property husbandry and security and to safeguard the interests of the wildlife and citizens of the State.

 Wildlife Exhibit Regulations: Food and water requirements; health conditions, safety, comfort, sanitation, etc.

 Propagator's permit: Possession, care and use.

 Wildlife Rehabilitation:Food and shelter requirements, disposition of rehabilitated animals, inspections, etc.

 Wildlife Importation: Permitting standards, criteria, application process.

 General Possession**:** Wolf hybrids in captivity.

ANTICIPATED SCHEDULE: As necessary

**chapter 8** -- Endangered/Threatened Species Regulations

STATUTORY AUTHORITY: 12 M.R.S. Sections 10104, 12802

PURPOSE: Qualifications for consideration for listing species as endangered or threatened; review of listed species; designation of habitat as essential for those species designation criteria, protection guidelines, etc.

ANTICIPATED SCHEDULE: Every 8 years or as necessary. Last filing was with 127th Legislature (2015).

**chapter 9** -- General Snowmobile Regulations

STATUTORY AUTHORITY: 12 M.R.S. Sections 10104

PURPOSE: Establish display requirements for registration numbers and stickers, and content of snowmobile registration.

ANTICIPATED SCHEDULE: As necessary

**chapter 10** -- Significant Habitat Designations

STATUTORY AUTHORITY: 12 M.R.S. Sections 10104, 12804

PURPOSE: Definitions of significant wildlife habitat as described in Title 38

ANTICIPATED SCHEDULE: Throughout the year as necessary.

**chapter 12** -- All-Terrain Vehicles

STATUTORY AUTHORITY: 12 M.R.S. Sections 10104, 13156

PURPOSE: Registration, safety, etc.; registration agents.

ANTICIPATED SCHEDULE: Throughout the year as necessary.

**chapter 13** -- Miscellaneous Watercraft Regulations

STATUTORY AUTHORITY: 12 M.R.S. Sections 10104, 13051

PURPOSE: Establish, registration procedures; accident reporting requirements; safety equipment on motorboats and other watercraft; water-skiing restrictions and operation rules between watercraft on internal waters.

ANTICIPATED SCHEDULE: Throughout the year as necessary.

**chapter 13.08** -- Watercraft Regulations

STATUTORY AUTHORITY: Horsepower limitations on various bodies of water are governed by 12 M.R.S., Section 13051, subsection 5

PURPOSE: Establish horsepower limitations to insure the safety of persons and property (may be adopted only as a result of a petition from 25 citizens or the municipal officers of the towns/county commissioners of unorganized townships in which the waters are located).

ANTICIPATED SCHEDULE: Considered throughout the year as petitions are received- effective date to coincide with publication of the open water fishing regulations, if possible.

**chapter 14** -- commercial Whitewater Rafting

STATUTORY AUTHORITY: 12 M.R.S. Sections 10104, 12909, 12910, 12913

PURPOSE: Establish regulations for whitewater personnel requirements; safety equipment requirements; craft specifications; allocations and order of launch.

ANTICIPATED SCHEDULE: May or as necessary.

**CHAPTER 15** – INTERSTATE WILDLIFE VIOLATIONS COMPACT

STATUTORY AUTHORITY: 12 M.R.S. §10103(2).

PURPOSE: The commissioner is authorized to enter into an interstate wildlife violator compact to promote compliance with the laws, regulations and rules that relate to the management of wildlife resources in the respective member states and may adopt rules necessary to implement certain provisions of the compact. Pursuant to this rule, the commissioner exercises this statutory authority and enters into theWildlife Violators Compact on behalf of the State of Maine with any and all states legally joining therein in accordance with its terms.

ANTICIPATED SCHEDULE: As necessary.

**CHAPTER 16 –** HUNTING REGULATIONS

STATUTORY AUTHORITY: 12 M.R.S. §10104, VARIOUS.

PURPOSE: To ensure proper management of Maine’s wildlife species through set season dates, bag limits and methods of harvest. Chapter 16 will be part of a complete repeal and replace of Chapter 4 which used to contain hunting and trapping rules.

ANTICIPATED SCHEDULE: Begin process in October 2018.

**CHAPTER 17 –** TRAPPING REGULATIONS

STATUTORY AUTHORITY: 12 M.R.S. §10104,12251.

PURPOSE: To ensure proper management of Maine’s wildlife species through set season dates, bag limits and methods of harvest. Chapter 17 will be part of a complete repeal and replace of Chapter 4 which used to contain hunting and trapping rules.

ANTICIPATED SCHEDULE: Begin process in October 2018.

**chapter 18** -- State Game Farm (Maine Wildlife park)

STATUTORY AUTHORITY: 12 M.R.S. Sections 10104

PURPOSE: Establish restrictions on the use of the area designated as "state game farm", also known as "The Wildlife Park".

ANTICIPATED SCHEDULE: As necessary.

**chapter 19** -- Operation of Motor Vehicles on Public Water Supply

STATUTORY AUTHORITY: 12 M.R.S. Section 10104 and 22 M.R.S. Section 2649

PURPOSE: Restrict motor vehicles on the ice on public water supplies.

ANTICIPATED SCHEDULE: As petitioned.

**chapter 20** -- Taxidermy

STATUTORY AUTHORITY:12 M.R.S. Sections 10104, 12952

PURPOSE: Establish license classifications, eligibility, examinations and restrictions.

ANTICIPATED SCHEDULE: As necessary.

**chapter 21** -- hunting and fishing License Agents

STATUTORY AUTHORITY: 12 M.R.S. Sections 10104, 10801

PURPOSE: Appointment of agents, application form and issuance, selection and operation standards, reporting requirements, etc.

ANTICIPATED SCHEDULE: Throughout the year as necessary.

**chapter 23** -- Camp Trip Leader Regulations

STATUTORY AUTHORITY: 12 M.R.S. Sections 10104, 12860

PURPOSE: Application procedures, etc.

ANTICIPATED SCHEDULE: Throughout the year as necessary.

**chapter 24** -- Guide License Regulations

STATUTORY AUTHORITY: 12 M.R.S. Sections 10104, 12851

PURPOSE:Establish prerequisites for applicants to be examined for guide's licenses; establish classifications; examination process, standards of competency, etc.

ANTICIPATED SCHEDULE: Throughout the year as necessary.

**CHAPTER 25** -- LEASHED TRACKING DOG LICENSE RULES

STATUTORY AUTHORITY: 12 M.R.S. Sections 10104

PURPOSE: Eligibility, testing, etc.

ANTICIPATED SCHEDULE: Throughout the year as necessary.

**CHAPTER 26** – COMMERCIAL WILDLIFE PERMIT FOR AMPHIBIANS OR NONMARINE INVERTIBRATES

STATUTORY AUTHORITY: 12 M.R.S. Sections 12159 and 12161

PURPOSE: To regulate the commercial harvest of amphibians and nonmarine invertebrates. Persons interested in collecting these species from the wild for the purposes of export, sale or commercial purposes are required to obtain a permit from the Commissioner.

ANTICIPATED SCHEDULE: As necessary.

**CHAPTER 27** – ANIMAL DAMAGE CONTROL REGULATIONS

STATUTORY AUTHORITY: 12 MRS Sections 10104, 10053

PURPOSE: Rules for certification and standards of operation for individuals that become permitted under the Commissioner to assist the Department for the control of coyotes and other nuisance wildlife that exceeds normal funding and staffing levels within the Department.

ANTICIPATED SCHEDULE: New chapter to begin rulemaking in October 2018.

**chapter 25 (09-585**) -- Maine Outdoor Heritage Fund Board

STATUTORY AUTHORITY: 12 M.R.S. Section 10301

PURPOSE: Schedule for grants; strategic plan, etc.

ANTICIPATED SCHEDULE: Throughout the year as necessary.

**Miscellaneous Regulations:** Other regulations necessary for the proper administration, implementation, enforcement and interpretation of 12 MRS, Chapters 901 to 939 - Throughout the year as necessary.